

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on June 1, 2004 at 6:58 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on May 18, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the department reports of the Police Department for the month of April and Fire Department and Incident Report for the month of April.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the bills and payroll for the first half of May.

Bills and Payroll

General Fund

Payroll		\$ 254,254.22
Bills		\$ 60,060.98
	Total	\$ 314,315.20

Hotel Tax Fund

Payroll		\$ 1,391.23
Bills		\$ 178.90
	Total	\$ 1,570.13

Festival Management

Bills		\$ 891.91
	Total	\$ 891.91

Insurance & Tort Judgment

Bills		\$ 8,351.52
		\$ 8,351.52

Capital Project

Bills		\$ 7,462.82
	Total	\$ 7,462.82

Water Fund

Payroll		\$ 38,831.11
Bills		\$ 132,289.35
	Total	\$ 171,120.46

Sewer Fund

Payroll		\$ 41,514.71
Bills		\$ 12,665.62
	Total	\$ 54,180.33

Cemetery Fund

Payroll		\$ 2,235.11
Bills		\$ 6,617.70
	Total	\$ 8,852.81

Health Insurance

Bills		\$ 102,871.15
	Total	\$ 102,871.15

Motor Fuel Tax

Bills		\$ 10,875.46
	Total	\$ 10,875.46

Revolving Loan

Bills		\$ 360.00
	Total	\$ 360.00

Water Fund

Bills		\$ 220.00
		\$ 220.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Council Decision Request 2004-313, approving a \$25,000 grant (over two fiscal years) sought by the Mattoon Rotary Club to assist with the construction of a band shell at Peterson Park.

Mayor Carter opened the floor for discussion. Council discussed the band shell as an asset to the City, the park department's in-kind work, willingness for Tourism to advertise and publicize events, non-qualification of Tourism funds, and inquiry as to other available funds. City Attorney/Treasurer Owen stated the Council has \$50,000 in a contingency fund or a budget revision for designating funds.

Commissioner Schilling seconded by Commissioner Donnell moved to amend Council Decision Request 2004-313 to use \$25,000 over a two-year period from the Council's contingency fund to assist with the construction of a band shell at Peterson Park.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion to amend Council Decision Request 2004-313 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve the amended Council Decision Request 2004-313, approving a \$25,000 grant (over two fiscal years) sought by the Mattoon Rotary Club to assist with the construction of a band shell at Peterson Park.

Mayor Carter declared the motion to approve amended Council Decision Request 2004-313 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mr. Bob Swift, President of the Rotary Club, thanked the Council.

Mayor Carter seconded by Commissioner Gambill moved to adopt Resolution 2004-2554, establishing the prevailing rate of wages in the Coles County area as determined by the Illinois Department of Labor, as the wages that must apply to public works construction of the City of Mattoon consistent with mandates of Illinois Statute.

RESOLUTION NO. 2004-2554

RESOLUTION ESTABLISHING THE PREVAILING RATE OF WAGES IN THE COLES COUNTY AREA AS DETERMINED BY THE ILLINOIS DEPARTMENT OF LABOR AS THE WAGES THAT MUST APPLY TO PUBLIC WORKS CONSTRUCTION OF THE CITY OF MATTOON CONSISTENT WITH MANDATES OF ILLINOIS STATUTE,

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, being Section 820 ILCS 130/0.01 et seq., commonly referred to as The Prevailing Wage Act, and

WHEREAS, the aforesaid Act requires that the City Council of the City of Mattoon, Illinois investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said City of Mattoon, Illinois employed in performing construction of public works, for said City of Mattoon, Illinois.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MATTOON, COUNTY OF COLES, AND STATE OF ILLINOIS:

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County, City or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of

wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Mattoon, Illinois is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Coles County area as determined by the Department of Labor of the State of Illinois as of June, 2004, a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Resolution which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the City of Mattoon, Illinois to the extent required herein by the aforesaid Act.

SECTION 3: The City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of such prevailing rate of wage.

SECTION 4: The City Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and address, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5: The City Clerk shall promptly file a certified copy of this Resolution with both the Secretary of State and the Department of Labor of the State of Illinois.

SECTION 6: The City Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Resolution, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

PRESENTED this 1st day of June, 2004.

PASSED this 1st day of June, 2004.

APPROVED this 1st day of June, 2004.

/s/ David E. Carter

MAYOR

ATTEST:

/s/ Susan J. O'Brien

CITY CLERK

Published this 7th day of June, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Ordinance 2004-5181, prohibiting parking on South 19th Street in the vicinity of Bauer General Auction and Ronchetti Dist. Co.

Mayor Carter opened the floor for discussion. Public Works Director David Wortman reviewed the intended area for prohibition of parking, citing some discrepancies between the Public Works Advisory Board and the proposed ordinance. Council discussed access to Ronchetti Distributing Company.

Commissioner Hesse seconded by Commissioner Donnell moved to table Ordinance No. 2004-5181.

Mayor Carter declared the motion carried to table Ordinance 2004-5181 by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to adopt Ordinance 2004-5182, amending the Mattoon Code of Ordinances to expedite abatement of nuisance conditions and establish authority to recover administrative and legal costs allocable to nuisance code enforcement.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5182

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO EXPEDITE ABATEMENT OF NUISANCE CONDITIONS AND ESTABLISH AUTHORITY TO RECOVER ADMINISTRATIVE AND LEGAL COST ALLOCABLE TO NUISANCE CODE ENFORCEMENT

WHEREAS, 65 ILCS 5/11-60-2 enables the corporate authorities of each Illinois municipality to define, prevent and abate nuisances; and

WHEREAS, the City Council desires to codify altered procedures that are intended to enable more expedient abatement of nuisance conditions and to recover the costs of nuisance code enforcement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Chapter 95 and Section §99.78 of Chapter 99 of the Code of Ordinances of the City of Mattoon are hereby repealed. Chapter 95 is reenacted as follows:

CHAPTER 95: NUISANCES

Section

95.01 Public Nuisance Defined

95.02 Public Nuisance Prohibited

95.03 Filing Complaints; Inspections; Notice to Abate; Failure to Abate; Abatement by

City; Appeal

95.04	Cost of Abatement As Lien
95.05	Authority to Issue Failure to Comply Citations
95.06	Failure Comply Citations; Service; Content; Fine
95.07	Notices to Appear

§ 95.01: PUBLIC NUISANCE DEFINED

(A) As used in this chapter, a public nuisance shall mean any act, thing, occupation, condition or use of property that shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public nuisance in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(B) Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- (3) Accumulations of garbage in a manner in which flies, mosquitoes, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed. (For purposes of this section, "garbage" means animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food);
- (4) Accumulations of refuse in which disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed. (For purposes of this section, "refuse" means all putrescible and nonputrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, moveable furniture not designed for or modified to withstand the elements and outdoor use, solid market and industrial wastes);
- (5) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (6) Containers with garbage or refuse which are not covered by solid, tight fitting lids or which have any uncovered holes or for which at least weekly removal of garbage and refuse is not

provided;

(7) Vegetation which:

- a. Harbors or aids in harboring rats, snakes, or vermin;
- b. Which harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life;
- c. Which are prohibited by law or ordinance, including but not limited to noxious weeds;
- d. Which by reason of its location or condition constitutes an imminent danger to any person or property;
- e. Which covers or hinders the removal of accumulations of junk, garbage and debris;
- f. Which is unmanaged and in excess of eight (8) inches, provided cultivated flowers, ornamentals, or food plants shall be presumed to be managed vegetation; provided further that vegetation in excess of eight (8) inches shall be presumed unmanaged unless predominantly composed of cultivated flowers, ornamentals, or food plants, including vegetation which interferes with or obstructs the passage on any street, alley or other public way;

(8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property but excluding smoke emanating from residential fireplaces;

(9) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(10) Any use of property, substances or things emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City;

(11) Any structure or building that is in a state of dilapidation, deterioration or decayed, is of faulty construction, is open to intrusion, abandoned, damaged by fire to the extent as not to provide shelter, is extremely unsound, in danger of collapse or failure, and endangers the health and safety of the public;

(12) Any inoperable vehicle, or vehicle which lacks current, legal registration parked on private property; provided that such vehicles may be parked upon private property:

(a) If the vehicle is parked upon the premises lawfully zoned for the business of repairing, wrecking or junking vehicles upon such premises; or

(b) If the vehicle is stored within a building and completely out of view of the public.

Inoperable vehicle shall mean any vehicle that is not in working order. "Working order" shall mean the

vehicle is equipped and contains those parts in proper condition and adjustment necessary for its mechanical operation and also is equipped and contains such lamps, brakes, mirrors, windshields, and other equipment in proper condition and adjustment as required by Chapter 12 of the Illinois Vehicle Code et seq. as now or hereafter amended.

(13) Dumpsters, trash containers, or trash container stands, located on a public way unless the dumpster is owned, leased or under the control of the City; provided, further that trash containers may be placed on the public way only on the day the owner has the trash in the container scheduled for removal by a trash hauler;

(14) Such other actions, conduct, omissions, conditions or things defined or specified in the Code as nuisances or as public nuisances;

(15) Conditions that are defined as a nuisance in this section of the Municipal Code located within a carport if the conditions are visible to the public from any public right-of-way;

(16) Conditions which are defined as a nuisance in this section of the Municipal Code and are located in an open garage if the conditions are visible to the public from any public right-of-way;

(17) Conditions which are defined as a nuisance in this section of the Municipal Code and are located on a front porch, back porch or balcony if the condition is visible to the public from any public right-of-way;

(18) Storage of motorized vehicles with over 400cc motor on front porches, back porches and balconies if the motorized vehicle is visible to the public from any public right-of-way;

(19) Structures which fail to have the street number assigned displayed on at least one structure on the lot in a position easily observed and readable from the public right-of-way, and Arabic figures at least three (3) inches high and one-half (1/2) inch wide, and of contrasting color with the surface to which the number is affixed.

§ 95.02: PUBLIC NUISANCE PROHIBITED

(A) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

(B) The procedures and remedies set forth in sections §95.03 and §95.04 of this Chapter may be used in the alternative or in consonance with or in lieu of any other remedy or procedure set forth in this Code for the removal of violations or nuisances.

§95.03: FILING COMPLAINTS; INSPECTIONS; NOTICE TO ABATE; FAILURE TO ABATE; ABATEMENT BY CITY; APPEAL

(A) **All complaints alleging the existence of a public nuisance shall be filed with the Nuisance Enforcement Coordinator or the Coordinator's designee.**

(B) The Nuisance Enforcement Coordinator or the Coordinator's designee shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the

inspection. Whenever practical, photographs of the premises shall be attached to the written report. The Nuisance Enforcement Coordinator or the Coordinator's designee shall keep all such written reports on file for at least three (3) years.

(C) Upon determining that a public nuisance exists on private property and that there is danger to the public health, safety, peace, morals or decency, the Nuisance Enforcement Coordinator or the Coordinator's designee shall cause such a notice to be served on the owner or occupant of the private property where the public nuisances exists or upon the person causing, permitting or maintaining such nuisance or post a copy of the notice on the premises where the public nuisance exists.

(D) Such notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exists or the person causing, permitting or maintaining such nuisance to abate or remove such nuisance within ten (10) days of service or posting of the notice. If such owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed the City will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant, or person to abate the nuisance as required by such notice shall be deemed an implied consent for the City to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the City. If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Nuisance Enforcement Coordinator or the Coordinator's designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten (10) days. Service may be had by certified mail or personal service; or by posting the notice on the property and mailing notice by first class mail.

(E) If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, the Nuisance Enforcement Coordinator or the Coordinator's designee may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(F) The owner or occupant of the private property where the public nuisance exists who fails to abate or to remove the nuisance required by this section, thereby consents, under the terms of this section, to have the City abate or remove the nuisance. Further, the owner or occupant thereby also consents to the formation of a contract between the owner and occupant and the City for the payment of costs in relation to abatement or removal of the nuisance.

(G) The person upon whom a notice to abate a nuisance is served, the property owner, tenant or other affected person may appeal the determination of nuisance in writing to the Nuisance Enforcement Coordinator or the Coordinator's designee. The written appeal must be made within the time period in which to abate the nuisance is given in the notice. The Nuisance Enforcement Coordinator or the Coordinator's designee shall meet with the appellant within five (5) working days of the receipt of the written appeal. The Nuisance Enforcement Coordinator or the Coordinator's designee may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period has run. Provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an

appeal may be heard after the abatement of the nuisance by the City. In that event, the Nuisance Enforcement Coordinator or the Coordinator's designee may determine that the appellant is liable for the costs, or that, upon good cause shown, that the appellant is not liable for the costs and that a lien shall not be filed by the City upon the property. The notice to abate shall contain a statement as to the right of appeal.

§ 95.04: COST OF ABATEMENT AS A LIEN

(A) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this chapter remains unpaid for thirty (30) days after it has been sent, the City Attorney and Treasurer or designee shall file a notice of lien with the County Recorder. Any notice of lien pursuant to this chapter shall be filed within ninety (90) days after the cost and expense of abatement or removal of nuisance has been incurred by the City. The notice shall consist of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof; (2) the amount of money representing the cost and expense incurred or payable by the City; and (3) the date or dates when such cost and expense was incurred by the City. However, any purchaser whose rights in such real estate have arisen subsequent to removal of the public nuisance and prior to the filing of such notice shall not be held liable for the costs of abatement or removal, and the lien of the City shall not have priority as to any mortgage, judgment creditor or other lien or whose rights in and to such real estate arise prior to the filing of such notice.

(B) Costs and expenses under this chapter include, but are not limited to, the actual costs and expenses in time of City employees or City authorized contractors and in materials concerning the actual actions of abatement of the nuisance pursuant to this chapter, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosures and other related expenses, including but not limited to reasonable attorney's expenses.

(C) A copy of the notice of lien shall be mailed by the City Attorney and Treasurer or designee to the owner of the property or to the occupant, or to the person or persons in whose name such real estate was last billed for property tax purposes.

(D) The real estate subject to a lien for such an unpaid assessment of such costs and expenses may be sold for nonpayment thereof, and the proceeds of the sale applied to pay the charges, after deducting costs.

(E) The City Attorney and Treasurer may institute proceedings in the name of the City in any court having jurisdiction over such matters against any property for which such costs and expenses have remained unpaid thirty (30) days after a statement of such costs and expenses have been mailed to the property owner, to the occupant or to the person or persons in whose name the property was last billed for property tax purposes.

(F) Upon payment of the costs and expenses, plus interest from the date thirty (30) days after the bill was sent after notice of lien has been filed the City Attorney and Treasurer or designee shall file with the County Recorder a release of the lien.

(G) If the payment of the City's costs of removal or abatement of the nuisance is not paid to the City within thirty (30) days of filing of the notice of lien, the City Attorney and Treasurer is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in such property as noticed pursuant to Section 3 at the time the complaint for removal or

abatement was filed with the Circuit Clerk in the amount of such costs. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of the nuisances. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedy.

§ 95.05: AUTHORITY TO ISSUE FAILURE TO COMPLY CITATIONS

(A) The City Attorney and Treasurer, Nuisance Enforcement Coordinator, Building Inspector, Chief of Police and their designees are authorized to issue a Failure to Comply Citation to any person who is committing or has committed any violations of Section § 95.01(B) of this Chapter.

(B) A Failure to Comply Citation may be issued for each day the violation continues.

§ 95.06: FAILURE TO COMPLY CITATIONS; SERVICE, CONTENT, FINE

(A) A Failure to Comply Citation shall be served by posting it on the property on which the violation is alleged to exist in a conspicuous place at the entrance door or avenue of access to the premises on which the alleged violation exists or by mailing a copy of the Citation by certified mail to the last known address of the person in whose name the real estate taxes were last billed for the property on which the violation occurred, or by delivering a copy of the same in person to the owner, occupant of the property or person in whose name real estate taxes for the property were last billed, or by delivering it and leaving it in the possession of any person in charge of the premises on which the violation is alleged to exist.

(B) A Failure to Comply Citation shall state the name of the person charged with the offense, the nature of the violation, and instruct the person on the method of settling the claim.

(C) The Citations issued under this section shall be a courtesy in lieu of arrest. The person issued a Failure to Comply Citation may compromise and settle the claim by paying the sum of twenty-five dollars (\$25.00) within seven (7) days from the time the Failure to Comply Citation is issued or by paying the sum of fifty dollars (\$50.00) subsequent to such seven-day period and prior to the person being charged by written complaint with such violation. Any person issued any additional Failure to Comply Citations alleging the same type of violation at the address within a twelve-month period of the last violation may compromise and settle the claim prior to the person being charged by written complaint in accordance with the following schedule:

Second Offense	\$100.00	
	Third Offense	\$200.00
Fourth Offense	\$400.00	

(D) If the person accused of the violation does not settle the claim within seven (7) days after being issued a Failure to Comply Citation, a complaint may be filed with the Circuit Court for that violation. Upon conviction, the person shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation for which the person was previously issued a Failure to Comply Citation that was not paid prior to a complaint being filed with the Circuit Court.

§ 95.07: NOTICES TO APPEAR

The City Attorney and Treasurer, Nuisance Enforcement Coordinator, Building Inspector Supervisor, Chief of

Police or their designees are authorized to issue a Notice to Appear to any person who is committing or has committed any violations of Section § 95.01(B) of this Chapter.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling , seconded by Commissioner Gambill, adopted this 1st day of June, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of June, 2004.

/s/ David E.Carter

David E. Carter

Mayor, City of Mattoon, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 2, 2004.

Mayor Carter opened the floor for discussion. Mayor inquired as to the correction of problems and if the City can condemn properties with the action. City Attorney/Treasurer Owen stated there would be more enforcement action with a means of collecting expenses on the actions, and would be less subject to constitutional action in condemnation cases.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve Council Decision Request 2004-314, adjusting erroneous industrial waste sewer utility accounts of R.R. Donnelley & Sons Co., Masterfoods and Lender Bagels.

Mayor Carter opened the floor for discussion. Director Wortman announced the industries had been contacted, charges explained, and reason for billing confusion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to approve Council Decision Request 2004-315, closing parking spaces for a Farmers' Market on Friday afternoons during the summer months along the south side of Broadway Avenue between 15th Street and 16th Street.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-316, authorizing advance personnel procedures for hiring persons on the eligibility list of the Board of Fire and Police Commissioners to replace firefighters who intend to retire.

Mayor Carter opened the floor for discussion. Mayor Carter inquired about minimum manning. Commissioner Donnell responded affirmatively to minimum manning. Commissioner Hesse expounded on the police department's need for additional manning.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Mayor Carter moved to approve Council Decision Request 2004-317, approving a budget revision and approving the appointment of Jeff Willenborg of Lake Land College to a 15-month construction inspection internship.

Mayor Carter opened the floor for discussion. Council with input from City Administrator Underkofler and Director Wortman discussed the internship funding, in-house construction inspections at about one-third of the cost, budget revisions, and cost savings in both the general fund and motor fuel tax fund.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to approve Council Decision Request 2004-318, reporting bids received and authorizing procurement of street maintenance materials valued at \$204,316 to be financed by Motor Fuel Tax Funds.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-319, reporting bids received and authorizing a \$40,451.50 contract with Kieffer Brothers for the Country Club Road water main extension.

Mayor Carter opened the floor for discussion. Council with input from Director Wortman and Utilities Superintendent Chris Hartbank discussed the commencement of the project, project's progression, traditional construction contract, and approximate ten-day completion time.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to approve Council Decision Request 2004-320, ratifying the appointment of an Administrative Assistant for Nuisance Code Enforcement.

Mayor Carter opened the floor for discussion. Commissioner Schilling with input from Attorney Owen announced Margaret E. Bayne as the recommended appointment from seventy-two applicants, and will assist in solving the nuisance problems.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Mayor Carter discussed the policemen on workers compensation. Commissioner Hesse discussed the policemen, retirements, and initiating training before the retirements occur.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session at 7:31 p.m. to discuss matters that may lawfully be discussed in closed session: topics pertaining to personnel, real estate or potential litigation involving disposition of surplus city real estate, potential acquisition of the Gowin Restaurant building at 1700 Broadway Avenue and a contract for its demolition with assistance of a grant, and review performance appraisal reports for management employee, David Wortman, Public Works Director.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Council reconvened at 8:41 p.m.

Commissioner Schilling seconded by Commissioner Donnell moved to adjourn at 8:41 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk